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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF CALIFORNIA  
13

14 **THE TWO HUNDRED FOR**  
15 **HOMEOWNERSHIP, a California**  
16 **Nonprofit Public Benefit Corporation,**  
17 **ROBERT APODACA, an individual, and**  
18 **JOSE ANTONIO RAMIREZ, an individual,**

19 Petitioner and Plaintiff,

20 v.

21 **CALIFORNIA AIR RESOURCES BOARD,**  
22 **STEVEN S. CLIFF, in his official capacity,**  
23 **and DOES 1-25,**

24 Respondents and  
25 Defendants.  
26  
27  
28

No. 1:22-CV-01474-ADA-BAM

**STIPULATION AND [PROPOSED]  
ORDER RE CONTINUANCE OF  
MANDATORY SCHEDULING  
CONFERENCE**

Scheduling Conference

Date: February 14, 2023

Time: 8:30 a.m.

Courtroom: #8

Judge: Barbara A. McAuliffe

Trial Date: None set

Action Filed: November 14, 2022

1 WHEREAS, on January 6, 2023, Petitioners provided copies of a summons and their  
2 complaint to Respondents, via e-mail, together with a request for waiver of service pursuant to  
3 Rule 4 of the Federal Rules of Civil Procedure;

4 WHEREAS, Respondents agreed to waive service, as requested by Petitioners, and thus are  
5 required to answer or otherwise respond to the complaint on or before March 7, 2023;

6 WHEREAS, Respondents have notified Petitioners that they intend to file, on or before  
7 March 7, 2023, a motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure with  
8 regard to all of the claims asserted by Petitioners herein;

9 WHEREAS, the Court has set a mandatory scheduling conference in this action on  
10 February 14, 2023;

11 WHEREAS, the Parties have met and conferred regarding the matters to be discussed at the  
12 scheduling conference, including such related matters as the extent to which the claims asserted  
13 by Petitioners might properly be decided based on an administrative record, the preparation of the  
14 administrative record and anticipated timing for completion of the record, the possible need for  
15 discovery on any non-record based claims, and the appropriate timing of such discovery relative  
16 to the Court's decision regarding the record-based claims; and

17 WHEREAS, the Parties agree that they will be in a better position to discuss and come to an  
18 agreement regarding these and other scheduling matters after the Court has ruled on Respondents'  
19 motion to dismiss.

20 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE that the  
21 scheduling conference currently set for February 14, 2023 should be continued for a period of  
22 three months, or to the Court's earliest available date thereafter.

23 Dated: February 2, 2023

24 ROB BONTA  
Attorney General of California

25 /s/ Janelle M. Smith

26 JANELLE M. SMITH  
27 Deputy Attorney General  
Attorneys for Respondents/Defendants  
28 California Air Resources Board et al.

Dated: February 2, 2023

HOLLAND & KNIGHT LLP

/s/ Brian C. Bunger (as authorized on  
February 2, 2023)

BRIAN C. BUNGER  
*Attorneys for Petitioners/Plaintiffs The Two  
Hundred for Homeownership et al.*

**[PROPOSED] ORDER**

Based on the foregoing stipulation of the parties, and for good cause shown, the scheduling conference in the above-captioned action which is currently scheduled for February 14, 2023 at 8:30 a.m. is hereby continued to \_\_\_\_\_, 2023, at \_\_\_\_\_.

**IT IS SO ORDERED.**

Dated:

\_\_\_\_\_  
HON. BARBARA A. McAULIFFE  
U.S. MAGISTRATE JUDGE

## CERTIFICATE OF SERVICE

Case Name: **The Two Hundred, et al. v. CARB, et al.** No. **1:22-CV-01474-ADA-BAM**

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I hereby certify that on February 3, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STIPULATION AND [PROPOSED] ORDER RE CONTINUANCE OF MANDATORY SCHEDULING CONFERENCE**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on February 3, 2023, at San Francisco, California.

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Claudine Santos  
Declarant

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*/s/Claudine Santos*  
Signature